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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,068	04/04/2001	Hsiang Tsun Yen	ACR0020-US	1977

34283   7590   03/18/2005

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EXAMINER
WU, QING YUAN

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/825,068	YEN ET AL.
	Examiner	Art Unit	
	Qing-Yuan Wu	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5,7,9-25,27-36 and 38-40* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5, 7, 9-25, 27-36, 38-40* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

     1. ☐ Certified copies of the priority documents have been received.

     2. ☐ Certified copies of the priority documents have been received in Application No. _____.

     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-5, 7, 9-25, 27-36, and 38-40 are pending in the application.

Claim Objections

2.   Claims 7, and 27 are objected to because of the following informalities: They depend on

cancelled claims 6, and 26 respectively. Applicant is required to amend the claims in proper

dependent form.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenner (U.S.

Patent 6,314,565).

4.   As to claim 12, Kenner teaches the invention as claimed including the method for

dynamically loading program logic [abstract, lines 1-5] comprising:

a.   launching an application and making a request from a client computer, wherein

upon launch, a first program logic is executed, and the client computer comprises a first

program logic file comprising the first program logic and a first configuration file,

comprising first version recognition code corresponding to the first program logic file

[Fig. 1; col. 4, lines 30-37; col. 5, lines 51-64; col. 6, lines 40-65];

b.   receiving the request at a server and transferring a second configuration file to the

client computer based on said request, and wherein the second configuration file

comprises a program logic file name, a program logic file address and a second version

recognition code, wherein the program logic file address corresponds to a storage

apparatus where the second program logic file corresponding to the file name of program

logic is located [col. 4, line 54 to col. 5, line 7], and the second program logic file

comprises a second program logic required for application execution, wherein the second

version recognition code corresponds to the second program logic [Fig. 1; Fig. 3; col.9,

lines 15-20; col. 5, lines 58-62; col. 6, lines 17-47];

c.   receiving the second configuration file at the client computer [col. 6, lines 56-67];

d.   determining whether the second version recognition code and the first version

recognition code are identical at the client computer, if yes, the application execution

proceeds in accordance with the first program logic, if not, executing step (e) [col. 6,

lines 57-67];

e.   linking to the storage apparatus corresponding to the program logic file address

and downloading the second program logic file corresponding to program logic filename in the

second configuration file from the client computer; and executing the application at the client

computer according to the second program logic in the second program logic file [col. 5, lines

50-65; col. 6, lines 40-47; col. 8, lines 18-47].

5.   As to claim 13, Kenner teaches the invention as claimed including the storage apparatus

is an external server [Fig. 1].

6.   As to claim 14, Kenner teaches the invention as claimed including the server further

comprises a storage apparatus [col. 5, lines 3-4].

7.   As to claim 15, Kenner teaches the invention as claimed including the client computer

replaces the first configuration file with the second configuration file [col. 6, line 60 to col. 7,

line 16].

8.   As to claim 16, Kenner teaches the invention as claimed including wherein the client

computer further comprises a program interpreter which executes the following steps in step (f)

[col. 7, lines 6-24]:

    parsing second program logic in the second program logic file;

    terminating first program logic; and

    executing second program logic in the second program logic file and completing

    application execution [col. 8, lines 30-46].

9.   As to claim 17, Kenner teaches the invention as claimed including the client computer

replaces the first program logic file with the second program logic file [col. 8, lines 47-51].

10.   As to claim 18, Kenner teaches the invention as claimed including the configuration file

further comprises a timer used to initialize the execution of steps (a) and (f) at the client

computer at preset times [col. 6, lines 63-65].

11.   As to claim 19, Kenner teaches the invention as claimed including the configuration file

further comprises a timer used to initialize the execution of steps (a), (e) and (f) at client

computer at preset times [col. 6, lines 63-65].

12.   As to claim 20, Kenner teaches the invention as claimed including the client computer

further comprises a driver module used to initialize the execution of steps (a) and (f) from client

computer [col. 4, lines 28-67; col. 5, lines 1-15].

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

14.   Claims 1-5, 7, 9-11, 21-25, 27-36, and 38-40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kenner as applied to claims 12-20 above.

15.   As to claim 1, Kenner teaches the invention substantially as claimed including a method

for dynamically loading program logic [abstract, lines 1-5] comprising:

a.   launching an application from a client computer that issues a request [Fig.1; col. 4, lines 30-37; col. 5, lines 58-64], the client computer comprising a program interpreter [multimedia software component updating system, col. 8, lines 30-46];

b.   receiving the request at a server and transferring a configuration file to the client computer based on said request, wherein the configuration file comprises a program logic file name, and a program logic file address, and the program logic file address corresponds to a storage apparatus where the program logic file corresponding to the program logic file name is located, said program logic file comprises the program logic required to execute the application [Fig. 1; Fig. 3; col. 9, lines 15-20; col. 5, lines 58-62; col. 6, lines 17-47];

c.   receiving the configuration file at client computer [col. 6, lines 56-67];

d.   linking to the storage apparatus corresponding to the program logic file address and downloading the program logic file which corresponds to the program logic file name, according to the program logic file address corresponding to the program logic file name in the configuration file from client computer [col. 5, lines 50-65; col. 6, lines 40-47; col. 8, lines 18-29]; and

e.   executing the application in accordance with program logic in the program logic file at the client computer, wherein the program interpreter parses program logic of the program logic file, terminates default program logic in a default program logic file, and executes program logic in the program logic file, thereby completing application execution [col. 8, lines 30-46].

16.   Kenner does not specifically teach the program interpreter is a browser engine. However, Kenner disclosed a multimedia software component updating system for parsing various types of codec [col. 8, lines 34-41], and codec in a form of a Microsoft ActiveX control or plug-in usable with a browser engine [col. 7, lines 37-44]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have incorporate the program interpreter functionality as a part of the browser engine to have the browser engine parsed its own program logic to create a more efficient application.

17.   As to claim 2, Kenner teaches the invention as claimed including the storage apparatus is an external server [Fig. 1].

18.   As to claim 3, Kenner teaches the invention as claimed including the server further comprises a storage apparatus [col. 5, lines 3-4].

19.   As to claim 4, Kenner teaches the invention as claimed including the client computer further comprises a client computer storage apparatus used to store the configuration file [col. 5, lines 1-2].

20.   As to claim 5, Kenner teaches the invention as claimed including the client computer further comprises a client computer storage apparatus used to store the program logic file [col. 5 lines 1-2].

21.   As to claim 7, Kenner teaches the invention as claimed including the client computer

receives a program logic file replacing the default program logic file [col. 8, lines 47-51].

22.   As to claim 9, Kenner teaches the invention as claimed including the configuration file

further comprises a timer used for initializing the execution of steps (a) and (e) from client

computer at preset times [col. 6, lines 63-65].

23.   As to claim 10, Kenner teaches the invention as claimed including the configuration file

further comprises a timer used for initializing the execution of steps (a), (d) and (e) from client

computer at preset times [col. 6, lines 63-65].

24.   As to claim 11, Kenner teaches the invention as claimed including the client computer

further comprises a driver module used to initialize the execution of steps (a) and (e) from client

computer [col. 4, lines 28-67; col. 5, lines 1-15].

25.   As to claims 21-25, and 27-31, these are system claims that correspond to the method

claims 1-5, 7, and 9-11. Therefore, they are rejected for the same reason as claims 1-5, 7, and 9-

11 above.

26.   As to claims 32-40, these are system claims that correspond to the method claims 1-5, 7,

9-11, and 12-20. Therefore, they are rejected for the same reason as claims 1-5, 7, 9-11, and 12-

20 above.

Response to Arguments

27.   Applicant's arguments filed 11/3/04 have been fully considered but they are not

persuasive.

28.   In the remarks, Applicant argued in substance that:

a.   1) It is unclear what the Examiner considered to be the "program interpreter." 2)

Kenner does not teach or suggest a program interpreter that is a browser engine. 3)

Kenner does not teach that a program interpreter parses program logic of the program

logic file, terminates default program logic in a default program logic file, and executes

program logic in the program logic file, thereby completing application execution.

b.   Kenner does not teach or suggest limitation as recited in claim 12, and "a first

codec is not executed on launch of the software updating tool."

c.   Kenner does not teach or suggest a system comprising a program interpreter with

the features as recited in claim 21.

d.   Kenner does not teach or suggest a system comprising a program interpreter with

the features as recited in claim 32.

29.   Examiner respectfully traversed Applicant's remarks:

As to points (a1)-(a3). Examiner considered the multimedia software component

updating system [col. 8, lines 39-40] as the interpreter. Applicant's arguments with respect to "a

browser engine" are mooted in view of the new ground of rejection. Kenner teaches codecs in a

form of Microsoft ActiveX control and plug-in, and a multimedia software component updating

system that decompressed codecs in archived file form into temporary storage before the

installation program can be invoked. Kenner also teaches new codec can be installed only while

the browser is not running, in such case the browser is closed (i.e. terminating default logic) and

installation is allowed to proceed and complete (i.e. executes program logic in the program logic

file, thereby completing application execution) [col. 8, lines 30-46]. Therefore, the multimedia

software component updating system indirectly caused the termination of the default program

logic and execution of the program logic.

30.   As to point (b), see rejection for claim 12 above. Kenner teaches using a multimedia

software component updating system to automatically seek and obtain an updated codec,

contrary to the prior art of manually acquiring a necessary codec to decompress a video format

[col. 3, lines 23-27]. It is inherent that a first codec is executed prior to or upon the launching of

the software updating tool in order to determine that it (the first codec) is not the correct codec

and consequently seeks the necessary codec as taught by Kenner. The termination of the

browser (i.e. terminating default/first logic) prior to installing the updated codec further suggest

that the first codec was executed on launch of the software updating tool.

31.   As to points (c)-(d), see explanation for points (a)-(b) above.

32.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

33.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Qing-Yuan Wu whose telephone number is (703) 305-8788. The

examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

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